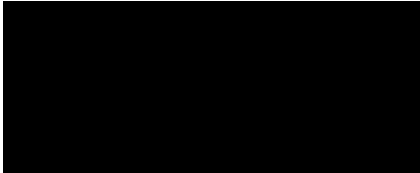


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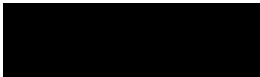
U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services



FILE:



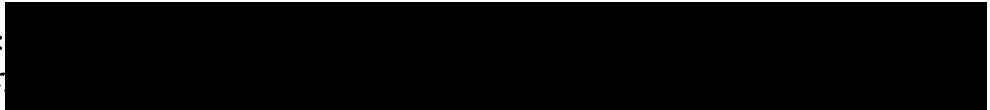
Office: VERMONT SERVICE CENTER

Date: **APR 20 2004**

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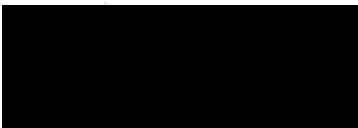
IN RE:

Petitioner:
Beneficiary



PETITION: Petition for Special Immigrant Battered Spouse Pursuant to Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1154(a)(1)(A)(iii)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Johnson

for Robert P. Wiemann, Director
Administrative Appeals Office

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Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

DISCUSSION: The preference visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a native and citizen of Iran who is seeking classification as a special immigrant pursuant to section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1154(a)(1)(A)(iii), as the battered spouse of a United States citizen.

The director denied the petition, finding that the petitioner had failed to establish that he been battered or subjected to extreme cruelty by his United States citizen wife. On appeal, counsel for the petitioner indicated that he would submit a brief within thirty days of filing the appeal. New counsel was substituted for the petitioner on May 29, 2003. More than one year has lapsed since the appeal was filed and nothing more has been submitted to the record.

The record of proceedings indicates that the petitioner initially entered the United States as an F-1 academic student on August 8, 1977. The petitioner was placed into deportation proceedings on January 3, 1980. [REDACTED] filed a K-1 fiancé visa petition for the petitioner that was approved on June 19, 1980. He was ordered deported and a warrant of deportation issued on September 22, 1980. In 1983, the petitioner wed an Iranian woman in Iran. His first daughter was born in Iran in 1984 or 1985. A subsequent daughter was born in the United States in 1990. The petitioner terminated his marriage to the Iranian woman in the United States on October 9, 1995. On August 16, 1996, the petitioner wed [REDACTED] nee [REDACTED]. Ms. [REDACTED] filed a Form I-130 petition on behalf of the petitioner on March 28, 1997. On July 21, 2000, the district director, Houston, Texas district office, denied the Form I-130 petition for failure to prosecute the Form -130 petition. The petitioner and his wife had repeatedly failed to appear for interviews at the district office. The petitioner was served with a notice of removal on January 16, 2001. He filed a Form I-360 petition on October 30, 2001. The director denied the Form I-360 petition on January 27, 2003.

The petitioner failed to address specifically the grounds for denial set forth in the decision of the director.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.